

Attorney Docket No. P63142US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roger NITSCH et al.

Application No.: 09/806,509

Art Unit: 1645

Filed: October 22, 1999

For METHODS OF DIAGNOSING OR PROGNOSING ALZHEIMER'S DISEASE

TRANSMITTAL

Commissioner for Patents

**BOX PCT**

United States Patent and Trademark Office

Washington, D.C. 20231

Sir:

Transmitted herewith a Response and copy of Notification of Defective Response.

Fee Calculation					
Excess Claims					
	Nº of Claims	Highest Nº Paid For	Excess Claims	Small Entity Fee	Large Entity Fee
Total	*	⊖ * =	0	⊗ \$9 = \$	⊗ \$18 = \$
Ind.	*	⊖ * =	0	⊗ \$42 = \$	⊗ \$84 = \$
( ) Multiple Dependent Claims (First Filing)				⊕ \$140 =	⊕ \$280 = \$
Excess Claims Fee				\$	\$
Extension of Time Fee				\$	\$
Other:				\$	\$
Total Fee Due				\$0	\$0

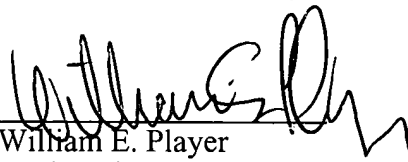
☐ A check for \$\*\*\*\* is attached.

☐ Charge \$ to Deposit Account No. 06-1358.

If a petition for extension of time is necessary but not enclosed, the Commissioner is petitioned to extend the time for response. The Commissioner is authorized to charge payment of any fees associated with this communication to Deposit Account No. 06-1358.

JACOBSON HOLMAN PLLC  
400 Seventh Street, N. W.  
Washington, D.C. 20004-2201  
Date: February 19, 2003  
WEP:rdt

By:

  
William E. Player  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roger NITSCH et al.

Application No.: 09/806,509

Art Unit: 1645

Filed: October 22, 1999

For METHODS OF DIAGNOSING OR PROGNOSING ALZHEIMER'S DISEASE

**RESPONSE TO NOTIFICATION OF  
DEFECTIVE RESPONSE AND  
REQUEST FOR REPLACEMENT ACTION**

Commissioner for Patents

**BOX PCT**

United States Patent and Trademark Office

Washington, D.C. 20231

Sir:

The instant paper responds to the Notification of Defective Response mailed January 17, 2003, a copy of which Notification is attached, hereto.

According to the Notification: "Applicant's Response filed 12/04/2002 is hereby acknowledged" (Notification of Defective Response, page 1). Also according to the Notification, the biological sequence disclosure in the subject application allegedly fails to comply with the PTO Rules governing such disclosure because of the "RAW SEQUENCE LISTING ERROR REPORT" (Notification, page 2).

The Notification, itself, is defective because (1) Applicants filed no paper, whatsoever, in the PTO on December 4, 2002, let alone a response to a Notification of Missing Requirements, as alleged in the instant Notification of Defective Response.

Moreover, the instant Notification is defective because no "RAW SEQUENCE LISTING ERROR REPORT" was provided together with the instant Notification, statements to the contrary therein notwithstanding.

Because of the aforesaid defects in the instant Notification, Applicants are prevented from determining what must be filed in the PTO in order to comply with the Notification and, as such, no response is necessary, or even possible.

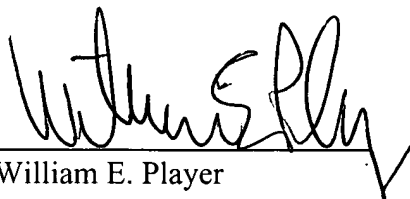
Accordingly, Applicants request that the PTO issue an appropriate replacement Action, which replacement Action provides the information necessary for Applicants to prepare and file a response, thereto.

Favorable action is requested.

Respectfully submitted,

JACOBSON-HOLMAN PLLC

By:

  
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Date: February 19, 2003  
WEP/rdt  
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806,509	Roger Nitsch	P63142US1

00136  
JACOBSON HOLMAN PLLC  
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WASHINGTON, DC 20004

**COPY**  
JACOBSON HOLMAN PLLC  
Response Due On Or Before  
24 / 12 / 03  
Month Day Year

INTERNATIONAL APPLICATION NO.	
PCT/EP99/08023	
LA. FILING DATE	PRIORITY DATE
10/22/1999	01/26/1999

CONFIRMATION NO. 9340  
371 FORMALITIES LETTER  
  
\*OC000000009394356\*

Date Mailed: 01/17/2003

# NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Claims
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Drawings
- Information Disclosure Statements
- Initial Application Filing Fees
- Oath or Declaration
- Oath or Declaration
- Original Specification
- Preliminary Amendments
- Request for Immediate Examination

Applicant's response filed 12/04/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/11/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under

## 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
  - RAW SEQUENCE LISTING ERROR REPORT
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/806,509	PCT/EP99/08023	P63142US1